

## CHAPTER 110—EDUCATIONAL ASSISTANCE FOR MEMBERS HELD AS CAPTIVES AND THEIR DEPENDENTS

Sec.

2185. Programs to be consistent with programs administered by the Department of Veterans Affairs.

### AMENDMENTS

1990—Pub. L. 101-510, div. A, title XIV, § 1484(l)(5), Nov. 5, 1990, 104 Stat. 1718, inserted "administered by" after "programs" in item 2185.

1989—Pub. L. 101-189, div. A, title XVI, § 1621(a)(7)(B), Nov. 29, 1989, 103 Stat. 1603, substituted "programs the Department of Veterans Affairs" for "programs administered by the Veterans' Administration" in item 2185.

### § 2184. Termination of assistance

Assistance under this chapter—

(1) shall be discontinued for any person whose conduct or progress is unsatisfactory under standards consistent with those established under section 3524 of title 38; and

(2) may not be provided for any person for more than 45 months (or the equivalent in other than full-time education or training).

(As amended Pub. L. 102-83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406.)

### AMENDMENTS

1991—Par. (1), Pub. L. 102-83 substituted "section 3524 of title 38" for "section 1724 of title 38".

§ 2185. Programs to be consistent with programs administered by the Department of Veterans Affairs

[See main edition for text]

(As amended Pub. L. 101-189, div. A, title XVI, § 1621(a)(7)(A), Nov. 29, 1989, 103 Stat. 1603.)

### AMENDMENTS

1989—Pub. L. 101-189 substituted "the Department of Veterans Affairs" for "the Veterans' Administration" in section catchline.

## CHAPTER 111—SUPPORT OF SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION

Sec.

2191. Graduate fellowships.

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### AMENDMENTS

1992—Pub. L. 102-484, div. D, title XLII, § 4238(b)(2), Oct. 23, 1992, 106 Stat. 2694, substituted "experts" for "managers" in item 2197.

1991—Pub. L. 102-190, div. A, title VIII, §§ 825(a)(2), 828(b), Dec. 5, 1991, 105 Stat. 1442, 1444, struck out item 2198 "Definition" and added items 2196 to 2199.

1990—Pub. L. 101-510, div. A, title II, § 247(a)(2)(A), (C), Nov. 5, 1990, 104 Stat. 1523, substituted "SUP-

PORT OF SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION" for "NATIONAL DEFENSE SCIENCE AND ENGINEERING GRADUATE FELLOWSHIPS" in chapter heading and added items 2192 to 2196.

### § 2191. Graduate fellowships

(a) The Secretary of Defense shall prescribe regulations providing for the award of fellowships to citizens and nationals of the United States who agree to pursue graduate degrees in science, engineering, or other fields of study designated by the Secretary to be of priority interest to the Department of Defense.

(b) A fellowship awarded pursuant to regulations prescribed under subsection (a) shall be known as a "National Defense Science and Engineering Graduate Fellowship".

(c) National Defense Science and Engineering Graduate Fellowships shall be awarded solely on the basis of academic ability. The Secretary shall take all appropriate actions to encourage applications for such fellowships of persons who are members of groups (including minority groups, women, and disabled persons) which historically have been underrepresented in science and technology fields. Recipients shall be selected on the basis of a nationwide competition. The award of a fellowship under this section may not be predicated on the geographic region in which the recipient lives or the geographic region in which the recipient will pursue an advanced degree.

(d) The regulations prescribed under this section shall include—

(1) the criteria for award of fellowships;

(2) the procedures for selecting recipients;

(3) the basis for determining the amount of a fellowship; and

(4) the maximum amount that may be awarded to an individual during an academic year.

(Added Pub. L. 101-189, div. A, title VIII, § 843(d)(1), Nov. 29, 1989, 103 Stat. 1516.)

### § 2192. Science, mathematics, and engineering education

(a) The Secretary of Defense, in consultation with the Secretary of Education, shall, on a continuing basis—

(1) identify actions which the Department of Defense may take to improve education in the scientific, mathematics, and engineering skills necessary to meet the long-term national defense needs of the United States for personnel proficient in such skills; and

(2) establish and conduct programs to carry out such actions.

(b) The Secretary shall designate an individual within the Office of the Secretary of Defense to advise and assist the Secretary regarding matters relating to science, mathematics, and engineering education and training.

(Added Pub. L. 101-510, div. A, title II, § 247(a)(1), Nov. 5, 1990, 104 Stat. 1521.)

**DEPARTMENT OF DEFENSE SUPPORT FOR SCIENCE,  
MATHEMATICS, AND ENGINEERING EDUCATION**

Pub. L. 102-190, div. A, title VIII, § 829, Dec. 5, 1991, 105 Stat. 1444, provided that:

"(a) **SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION SUPPORT MASTER PLAN.**—(1) At the same time that the President submits to Congress the budget for each of fiscal years 1993 through 1997 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a master plan for activities by the Department of Defense during the next fiscal year to support education in science, mathematics, and engineering at all levels of education in the United States. Each such plan shall be developed in consultation with the Secretary of Education.

"(2) The activities provided for in the plan submitted under paragraph (1) for any fiscal year shall contribute to the achievement of the national education goals stated in the Report of the Committee on Education and Human Resources of the Federal Coordinating Council for Science, Engineering, and Technology that was submitted to Congress with the submission of the budget for fiscal year 1992.

"(3) Each such plan shall provide the basis for the Secretaries of the military departments and the heads of the Defense Agencies of the Department of Defense—

"(A) to define the programs of the military departments and Defense Agencies to support the achievement of the goals referred to in paragraph (2); and  
"(B) to allocate resources for such programs.

"(b) **CONTENT OF PLAN.**—The plan under subsection (a) for a fiscal year shall include the following:

"(1) A description of each action for the improvement of scientific, mathematics, and engineering education identified by the Secretary of Defense under sections 2191 through 2195 of title 10, United States Code, for such fiscal year and the funds that are provided in the budget for such fiscal year for such action.

"(2) The long-range goals and priorities of the Department of Defense for improving the Department's support for science, mathematics, and engineering education programs, including—

"(A) education programs within, or directly supported by, the Department of Defense;

"(B) education programs in other departments and agencies of the Federal Government;

"(C) education programs at elementary, secondary, and postsecondary educational institutions; and

"(D) other programs within or supported by the Department of Defense that are potentially capable of assisting local education agencies to integrate advanced technology into their classrooms that will improve student learning with science, mathematics, and engineering.

"(c) **ROLE OF DIRECTOR, DEFENSE RESEARCH AND ENGINEERING.**—Subject to the authority, direction, and control of the Secretary of Defense, the Director of Defense Research and Engineering shall perform the duties of the Secretary under this section.

"(d) **IMPLEMENTATION REPORT.**—Not later than March 15, 1992, the Secretary of Defense shall submit to Congress a report on steps taken by the Department of Defense to encourage science, mathematics, and engineering teachers returning to the United States from teaching assignments in the Department of Defense Overseas Dependents School System to continue to teach in those subject areas in local education agencies and in military impact aid schools throughout the United States."

**§ 2193. Science and mathematics education improvement program**

(a)(1) The Secretary of Defense may, in accordance with the provisions of this subsection, carry out a program for awarding grants to stu-

dents who have been accepted for enrollment in, or who are enrolled in, an institution of higher education as undergraduate or graduate students in scientific and engineering disciplines critical to the national security functions of the Department of Defense.

(2) Grant proceeds shall be disbursed on behalf of students awarded grants under this subsection to the institutions of higher education at which the students are enrolled. No grant proceeds shall be disbursed on behalf of a student until the student is enrolled at an institution of higher education.

(3) The amount of a grant awarded a student under this subsection may not exceed the student's cost of attendance.

(4) The amount of a grant awarded a student under this subsection shall not be reduced on the basis of the student's receipt of other forms of Federal student financial assistance, but shall be taken into account in determining the eligibility of the student for those other forms of Federal student financial assistance.

(5) The Secretary shall give priority to awarding grants under this subsection in a manner likely to stimulate the interest of women and members of minority groups in pursuing scientific and engineering careers. The Secretary may consider the financial need of applicants in making awards in accordance with such priority.

(b) The Secretary of Defense, in coordination with the Secretary of Education, may establish programs for the purpose of improving the mathematics and scientific knowledge and skills of elementary and secondary school students and faculty members.

(c) In this section:

(1) The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(2) The term "cost of attendance" has the meaning given such term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(Added Pub. L. 101-510, div. A, title II, § 247(a)(1), Nov. 5, 1990, 104 Stat. 1521.)

**§ 2194. Education partnerships**

(a) The Secretary of Defense shall authorize the director of each defense laboratory to enter into one or more education partnership agreements with educational institutions in the United States for the purpose of encouraging and enhancing study in scientific disciplines at all levels of education. The educational institutions referred to in the preceding sentence are local education agencies, colleges, universities, and any other nonprofit institutions that are dedicated to improving science, mathematics, and engineering education.

(b) Under a partnership agreement entered into with an educational institution under this section, the director of a defense laboratory may provide assistance to the educational institution by—

(1) loaning defense laboratory equipment to the institution;

(2) transferring to the institution defense laboratory equipment determined by the director to be surplus;

(3) making laboratory personnel available to teach science courses or to assist in the development of science courses and materials for the institution;

(4) involving faculty and students of the institution in defense laboratory research projects;

(5) cooperating with the institution in developing a program under which students may be given academic credit for work on defense laboratory research projects; and

(6) providing academic and career advice and assistance to students of the institution.

(c) The Secretary of Defense shall ensure that the director of each defense laboratory shall give a priority under this section to entering into an education partnership agreement with one or more historically Black colleges and universities and other minority institutions referred to in paragraphs (3), (4), and (5) of section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)).

(d) The Secretary of Defense shall ensure that, in entering into education partnership agreements under this section, the director of a defense laboratory gives a priority to providing assistance to educational institutions serving women, members of minority groups, and other groups of individuals who traditionally are involved in the engineering and science professions in disproportionately low numbers.

(e) In this section, the term "local education agency" has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)). (Added Pub. L. 101-510, div. A, title II, § 247(a)(1), Nov. 5, 1990, 104 Stat. 1522.)

#### § 2195. Department of Defense cooperative education programs

(a) The Secretary of Defense shall ensure that the director of each defense laboratory establishes, in association with one or more public or private colleges or universities in the United States or one or more consortia of colleges or universities in the United States, cooperative work-education programs for undergraduate and graduate students.

(b) Under a cooperative work-education program established under subsection (a), a director referred to in that subsection may, without regard to any applicable non-statutory limitation on the number of authorized personnel or on the aggregate amount of any personnel cost—

(1) make an offer for participation in the cooperative work-education program directly to a student and appoint such student to an entry-level position of employment in the laboratory of such director;

(2) pay such person a rate of basic pay, not to exceed the maximum rate of pay provided for grade GS-9 under the General Schedule under section 5332 of title 5, that is competitive with compensation levels provided for entry-level positions in similar industry-sponsored cooperative work-education programs;

(3) pay all travel expenses between the college or university in which the student is enrolled and the laboratory concerned for not more than six round trips per year; and

(4) pay all or part of such fees, charges, and costs related to the participation of such student in the cooperative work-education program as tuition, matriculation fees, charges for library and laboratory services, materials, and supplies, and the purchase or rental price of books.

(c) A director of a defense laboratory may—

(1) require a student, as a condition for receiving payments referred to in subsection (b)(4), to enter into a written agreement to continue employment in such defense laboratory for a period of service specified in the agreement; or

(2) make such payments without requiring such an agreement.

(Added Pub. L. 101-510, div. A, title II, § 247(a)(1), Nov. 5, 1990, 104 Stat. 1522.)

#### § 2196. Manufacturing engineering education: grant program

(a) ESTABLISHMENT OF GRANT PROGRAM.—(1) The Secretary of Defense shall establish a program under which the Secretary makes grants to support—

(A) the enhancement of existing programs in manufacturing engineering education; or

(B) the establishment of new programs in manufacturing engineering education that meet such requirements.

(2) Grants under this section may be made to institutions of higher education or to consortia of such institutions.

(3) The Secretary shall establish the program in consultation with the Secretary of Education, the Director of the National Science Foundation, and the Director of the Office of Science and Technology Policy.

(b) NEW PROGRAMS IN MANUFACTURING ENGINEERING EDUCATION.—A program in manufacturing engineering education to be established at an institution of higher education may be considered to be a new program for the purpose of subsection (a)(1)(B) regardless of whether the program is to be conducted—

(1) within an existing department in a school of engineering of the institution;

(2) within a manufacturing engineering department to be established separately from the existing departments within such school of engineering; or

(3) within a manufacturing engineering school or center to be established separately from an existing school of engineering of such institution.

(c) MINIMUM NUMBER OF GRANTS FOR NEW PROGRAMS.—Of the total number of grants awarded pursuant to this section, at least one-third shall be awarded for the purpose stated in subsection (a)(1)(B).

(d) GEOGRAPHICAL DISTRIBUTION OF GRANTS.—In awarding grants under this subsection, the Secretary shall, to the maximum extent practi-

cable, avoid geographical concentration of grant awards.

(e) **COORDINATION OF GRANT PROGRAM WITH THE NATIONAL SCIENCE FOUNDATION.**—The Secretary of Defense and the Director of the National Science Foundation shall enter into an agreement for carrying out the grant program established pursuant to this section. The agreement shall include procedures to ensure that the grant program is fully coordinated with similar existing programs of the National Science Foundation.

(f) **COVERED PROGRAMS.**—(1) A program of engineering education supported with a grant awarded pursuant to this section shall meet the requirements of this section.

(2) Such a grant may be made for a program of education to be conducted at the undergraduate level, at the graduate level, or at both the undergraduate and graduate levels.

(g) **COMPONENTS OF PROGRAM.**—The program of education for which such a grant is made shall be a consolidated and integrated multidisciplinary program of education having each of the following components:

(1) Multidisciplinary instruction that encompasses the total manufacturing engineering enterprise and that may include—

(A) manufacturing engineering education and training through classroom activities, laboratory activities, thesis projects, individual or team projects, and visits to industrial facilities, consortia, or centers of excellence in the United States and foreign countries;

(B) faculty development programs;

(C) recruitment of educators highly qualified in manufacturing engineering;

(D) presentation of seminars, workshops, and training for the development of specific research or education skills; and

(E) activities involving interaction between the institution of higher education conducting the program and industry, including programs for visiting scholars or industry executives.

(2) Opportunities for students to obtain work experience in manufacturing through such activities as internships, summer job placements, or cooperative work-study programs.

(3) Faculty and student research that is directly related to, and supportive of, the education of undergraduate or graduate students in advanced manufacturing science and technology because of—

(A) the increased understanding of advanced manufacturing science and technology that is derived from such research; and

(B) the enhanced quality and effectiveness of the instruction that result from that increased understanding.

(h) **GRANT PROPOSALS.**—The Secretary of Defense, in coordination with the Director of the National Science Foundation, shall solicit from institutions of higher education in the United States (and from consortia of such institutions) proposals for grants to be made pursuant to this section for the support of programs of manufacturing engineering education that are consistent with the purposes of this section.

(i) **MERIT COMPETITION.**—Applications for grants shall be evaluated on the basis of merit pursuant to competitive procedures prescribed by the Secretary in consultation with the Director of the National Science Foundation.

(j) **SELECTION CRITERIA.**—The Secretary may select a proposal for the award of a grant pursuant to this section if the proposal, at a minimum, does each of the following:

(1) Contains innovative approaches for improving engineering education in manufacturing technology.

(2) Demonstrates a strong commitment by the proponents to apply the resources necessary to achieve the objectives for which the grant is to be made.

(3) Provides for the conduct of research that supports the instruction to be provided in the proposed program and is likely to improve manufacturing engineering and technology.

(4) Demonstrates a significant level of involvement of United States industry in the proposed instructional and research activities.

(5) Is likely to attract superior students.

(6) Proposes to involve fully qualified faculty personnel who are experienced in research and education in areas associated with manufacturing engineering and technology.

(7) Proposes a program that, within three years after the grant is made, is likely to attract from sources other than the Federal Government the financial and other support necessary to sustain such program.

(8) Proposes to achieve a significant level of participation by women, members of minority groups, and individuals with disabilities through active recruitment of students from among such persons.

(k) **FEDERAL SUPPORT.**—The amount of financial assistance furnished to an institution under this section may not exceed 50 percent of the estimated cost of carrying out the activities proposed to be supported in part with such financial assistance for the period for which the assistance is to be provided.

(Added Pub. L. 102-190, div. A, title VIII, § 825(a)(1), Dec. 5, 1991, 105 Stat. 1438.)

#### PRIOR PROVISIONS

A prior section 2196, added Pub. L. 101-510, div. A, title II, § 247(a)(1), Nov. 5, 1990, 104 Stat. 1523; amended Pub. L. 102-25, title VII, § 701(d)(2), Apr. 6, 1991, 105 Stat. 116, which defined "defense laboratory", was repealed by Pub. L. 102-190, div. A, title VIII, § 825(a)(1), Dec. 5, 1991, 105 Stat. 1438. See section 2199 of this title.

#### IMPLEMENTATION OF GRANT PROGRAM; PRIORITY IN FUNDING

Section 825(b) of Pub. L. 102-190 provided that: "Within one year after the date of the enactment of this Act [Dec. 5, 1991], the Secretary of Defense, in consultation with the Director of the National Science Foundation, shall award grants under section 2196 of title 10, United States Code (as added by subsection (a)), to institutions of higher education throughout the United States."

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2197 of this title.

## § 2197. Manufacturing experts in the classroom

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary of Defense, in consultation with the Secretary of Education and the Secretary of Commerce, shall conduct a program to support the following activities of one or more manufacturing experts at institutions of higher education:

(1) Identifying the education and training requirements of United States manufacturing firms located in the same geographic region as an institution participating in the program.

(2) Assisting in the development of teaching curricula for classroom and in-factory education and training classes at such an institution.

(3) Teaching such classes and overseeing the teaching of such classes by others.

(4) Improving the knowledge and expertise of permanent faculty and staff of such an institution.

(5) Marketing the programs and facilities of such an institution to firms referred to in paragraph (1).

(6) Coordinating the activities described in the other provisions of this subsection with other programs conducted by the Federal Government, any State, any local government, or any private, nonprofit organization to modernize United States manufacturing firms, especially the regional centers for the transfer of manufacturing technology and programs receiving financial assistance under section 2196 of this title.

(b) **MERIT COMPETITION.**—Applications for assistance under this section shall be evaluated on the basis of merit pursuant to competitive procedures prescribed by the Secretary.

(c) **SELECTION CRITERIA.**—The Secretary shall select institutions for the award of financial assistance under this section from among institutions submitting applications for such assistance that—

(1) demonstrate that the proposed activities are of an appropriate scale and a sufficient quality to ensure long term improvement in the applicant's capability to serve the education and training needs of United States manufacturing firms in the same region as the applicant;

(2) demonstrate a significant level of industry involvement and support;

(3) demonstrate attention to the needs of any United States industries that supply manufactured products to the Department of Defense or to a contractor of the Department of Defense; and

(4) meet such other criteria as the Secretary may prescribe.

(d) **FEDERAL SUPPORT.**—The amount of financial assistance furnished to an institution under this section may not exceed 50 percent of the estimated cost of carrying out the activities proposed to be supported in part with such financial assistance for the period for which the assistance is to be provided. In no event may the amount of the financial assistance provided

to an institution exceed \$250,000 per year. The period for which financial assistance is provided an institution under this section shall be at least two years unless such assistance is earlier terminated for cause determined by the Secretary.

(e) **MANUFACTURING EXPERT DEFINED.**—In this section, the term "manufacturing expert" means manufacturing managers and workers having experience in the organization of production and education and training needs and other experts in manufacturing.

(Added Pub. L. 102-190, div. A, title VIII, § 825(a)(1), Dec. 5, 1991, 105 Stat. 1440; amended Pub. L. 102-484, div. D, title XLII, § 4238(a), (b)(1), Oct. 23, 1992, 106 Stat. 2694.)

## AMENDMENTS

1992—Pub. L. 102-484, § 4238(b)(1), substituted "experts" for "managers" in section catchline.

Subsec. (a). Pub. L. 102-484, § 4238(a)(1), struck out "managers and" after "manufacturing" in introductory provisions.

Subsec. (e). Pub. L. 102-484, § 4238(a)(2), added subsec. (e).

## § 2198. Management training program in Japanese language and culture

(a) The Secretary of Defense, in coordination with the National Science Foundation, shall establish a program for the making of grants on a competitive basis to United States institutions of higher education and other United States not-for-profit organizations for the conduct of programs for scientists, engineers, and managers to learn Japanese language and culture.

(b) The Secretary of Defense shall prescribe in regulations the criteria for awarding a grant under the program for activities of an institution or organization referred to in subsection (a), including the following:

(1) Whether scientists, engineers, and managers of defense laboratories and Department of Energy laboratories are permitted a level of participation in such activities that is beneficial to the development and application of defense critical technologies by such laboratories.

(2) Whether such activities include the placement of United States scientists, engineers, and managers in Japanese government and industry laboratories—

(A) to improve the knowledge of such scientists, engineers, and managers in (i) Japanese language and culture, and (ii) the research and development and management practices of such laboratories; and

(B) to provide opportunities for the encouragement of technology transfer from Japan to the United States.

(3) Whether an appropriate share of the costs of such activities will be paid out of funds derived from non-Federal Government sources.

(c) In this section, the term "defense critical technology" means a technology identified in an annual defense critical technologies plan submitted to the Congress under section 2522<sup>1</sup> of this title.

<sup>1</sup> See References in Text note below.

(Added Pub. L. 102-190, div. A, title VIII, § 828(a), Dec. 5, 1991, 105 Stat. 1444.)

#### REFERENCES IN TEXT

Section 2522 of this title, referred to in subsec. (c), which related to annual defense critical technology plan, was repealed, and section 2518 (relating to Defense Advanced Manufacturing Technology Partnerships) was redesignated as section 2522, by Pub. L. 102-484, div. D, title XLII, §§ 4202(a), 4232(a), Oct. 23, 1992, 106 Stat. 2659, 2687. See section 2506 of this title.

#### § 2199. Definitions

In this chapter:

(1) The term "defense laboratory" means a laboratory operated by the Department of Defense or owned by the Department of Defense and operated by a contractor or a facility of a Defense Agency at which research and development activities are conducted.

(2) The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(3) The term "regional center for the transfer of manufacturing technology" means a regional center for the transfer of manufacturing technology referred to in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

(Added Pub. L. 102-190, div. A, title VIII, § 825(a)(1), Dec. 5, 1991, 105 Stat. 1441.)

### PART IV—SERVICE, SUPPLY, AND PROCUREMENT

Chap.		Sec.
138.	Cooperative Agreements with NATO Allies and Other Countries .....	2341
148.	National Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion .....	2491
[149.	Repealed.]	
[150.	Repealed.]	
152.	Issue of Supplies, Services, and Facilities .....	2540
172.	Strategic Environmental Research and Development Program .....	2901

#### AMENDMENTS

1992—Pub. L. 102-484, div. D, title XLII, § 4271(b)(1), Oct. 23, 1992, 106 Stat. 2695, added item for chapter 148 and struck out former items for chapters 148 "Defense Industrial Base", 149 "Manufacturing Technology", and 150 "Development of Dual-Use Critical Technologies".

1991—Pub. L. 102-190, div. A, title VIII, § 821(f), title X, § 1061(a)(27)(A), Dec. 5, 1991, 105 Stat. 1432, 1474, substituted "Manufacturing" for "Manufacturing" in item for chapter 149, substituted "Development of Dual-Use Critical Technologies" for "Issue to Armed Forces" in item for chapter 150, struck out item for chapter 151 "Issue of Serviceable Material Other Than to Armed Forces", and added item for chapter 152.

1990—Pub. L. 101-510, div. A, title VIII, § 823(b)(1), title XVIII, § 1801(a)(2), Nov. 5, 1990, 104 Stat. 1602, 1757, added item for chapter 149, redesignated former item for chapter 149 as item for chapter 150, and added item for chapter 172.

1989—Pub. L. 101-189, div. A, title IX, § 931(e)(2), Nov. 29, 1989, 103 Stat. 1535, substituted "Cooperative Agreements" for "Acquisition and Cross-Servicing Agreements" in item for chapter 138.

### CHAPTER 131—PLANNING AND COORDINATION

Sec.

2213. Limitation on acquisition of excess supplies.  
2214. Transfer of funds: procedure and limitations.  
[2215, 2216. Repealed.]  
2218. National Defense Sealift Fund.

#### AMENDMENTS

1992—Pub. L. 102-484, div. A, title X, § 1024(a)(2), Oct. 23, 1992, 106 Stat. 2488, added item 2218.

1991—Pub. L. 102-190, div. A, title III, § 317(b), Dec. 5, 1991, 105 Stat. 1338, added item 2213.

1990—Pub. L. 101-510, div. A, title XIII, § 1331(2), title XIV, §§ 1482(c)(2), 1484(l)(6), Nov. 5, 1990, 104 Stat. 1673, 1710, 1718, struck out item 2213 "Cooperative military airlift agreements", added item 2214, and struck out items 2215 "Reports on unobligated balances" and 2216 "Annual report on budgeting for inflation".

#### § 2208. Working-capital funds

[See main edition for text of (a) to (h)]

(i)(1) Regulations under subsection (h) shall authorize a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof to sell manufactured articles or services to a person outside the Department of Defense if—

(A) in the case of an article, the article is sold to a United States manufacturer, assembler, developer, or other concern—

(i) for use in developing new products;

(ii) for incorporation into items to be sold to, or to be used in a contract with, an agency of the United States;

(iii) for incorporation into items to be sold to, or to be used in a contract with, or to be used for purposes of soliciting a contract with, a friendly foreign government; or

(iv) for use in commercial products;

(B) in the case of an article, the purchaser is determined by the Department of Defense to be qualified to carry out the proposed work involving the article to be purchased;

(C) the article or service is not readily available to the purchaser from a commercial source in the United States in a timely manner that meets the requirements of the purchaser;

(D) the sale is to be made on a basis that does not interfere with performance of work by the facility for the Department of Defense or for a contractor of the Department of Defense; and

(E) in the case of services, the services are related to an article authorized to be sold under this subsection and are to be performed in the United States for the purchaser.

(2) Nothing in this subsection shall be construed to affect the application of the export controls provided for in section 38 of the Arms Export Control Act (22 U.S.C. 2778) to items which incorporate or are produced through the use of an article sold under this subsection.

(j) The Secretary of a military department may authorize a working capital funded industrial facility of that department to manufac-